

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

SHEILA M. GIBBONS,

Plaintiff,

CARLISLE TIRE AND WHEELS, INC.,

Defendant.

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C.A. No. 3:09-2243-CMC-JRM

OPINION AND ORDER

This matter is before the court for review of the Report and Recommendation (“Report”) entered on May 12, 2010. For the reasons set forth below, the Report is adopted and this action is dismissed with prejudice for lack of prosecution and failure to comply with orders of the court.

STANDARD

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

DISCUSSION

Through this action, Plaintiff, who is currently proceeding *pro se*,¹ seeks recovery for alleged violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.* The matter is now before the court on Defendant's motion to dismiss pursuant to Rules 37(b)(2)(A) and 41(b) of the Federal Rules of Civil Procedure. The Magistrate Judge recommended that this motion be granted and that Plaintiff's claims be dismissed with prejudice. Plaintiff was advised of her right to object to this recommendation.

No objection has been filed despite passage of the time allowed for such objection. This court has, therefore, reviewed the Report for clear error. Having found no clear error, the court adopts the Report and Recommendation both as to its rationale and recommendation.

CONCLUSION

For the reasons set forth above, the Report and Recommendation is adopted and this action is dismissed with prejudice pursuant to Rules 37(b)(2)(A) and 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
June 11, 2010

¹ Plaintiff was initially represented by counsel. Her attorney was, however, allowed to withdraw due to Plaintiff's lack of cooperation in the discovery process. Dkt. No. 27 at 1.